

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Antonio Davis,)	C/A No. 4:12-2057-RMG-TER
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Richland County; Director Renaldo Myers;)	
Ass. Director Kathryn Harrell; Lt. Smith; Lt.)	
Williams; Sgt. Showl; Sgt. Waters; Sgt.)	
Freely; Officer Dale Martin,)	
Defendants.)	
_____)	

The Plaintiff filed this action on July 25, 2012, alleging various claims for violations of his constitutional rights pursuant to 42 U.S.C. § 1983.¹ The Plaintiff is an inmate currently housed at the Alvin S. Glenn Detention Center. Before the undersigned are the Plaintiff's two motions for default judgment. (Documents #53 and #57).²

On January 8, 2013, and January 16, 2013, Plaintiff filed motions for default judgment asserting that "... the defendants have not objected to the recommendation that Plaintiff has stated a viable claim against Defendants Director Ronaldo Myers and Officer Martin." (Doc.#57). Plaintiff also argues that the "...Defendants have made no response at all to either the Original Complaint . . . the Amended Complaint or the two dead lines." (Doc. #53).

¹ Defendants Richland County, Asst. Director Kathryn Harrell, Lt. Smith, and Lt. Williams were dismissed from this action by court order filed December 12, 2012. (Doc. #43).

²All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC. Because this is a dispositive motion, the report and recommendation is entered for review by the district judge.

It is recommended that these motions for default judgment (docs. #53 and #57) be denied. Based on the court's docket sheet, the court entered an Order on December 12, 2012, adopting the report and recommendation and ordering that the amended complaint be served on defendants Myers, Showl, Waters, Freely and Martin. (Doc. #43). The Summons were issued on December 12, 2012, (doc.46) and there are no returns executed as of this date showing that Defendants have been served. Plaintiff filed these motions before Defendants were served. Accordingly, it is recommended that Plaintiff's motions for default judgment be denied.

CONCLUSION

Based on the above reasoning, it is RECOMMENDED that Plaintiff's motions for default judgment (doc. #53 and #57) be DENIED.

Respectfully submitted,

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

January 17, 2013
Florence, South Carolina

The parties' attention is directed to the important notice on the next page.